

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII**

IN THE MATTER OF:)	
)	
)	Docket No. SDWA-8-2002-40
Ms. Billie Jean Hirsch, Owner)	
Bill Store)	CONSENT AGREEMENT
Bill, Wyoming	}	
Respondent.)	
)	
Proceedings under Section)	
1414(g) of the Safe Drinking)	
Water Act,)	
42 U.S.C. § 300g-3(g))	
_____)	

Complainant, United States Environmental Protection Agency, Region 8, and Respondent, Billie Jean Hirsch, owner of the Bill Store Water System, by their undersigned representatives, hereby consent and agree as follows:

1. On September 25, 2002, the Complainant filed a Complaint and Notice of Opportunity for Hearing ("Complaint"), and proposed a \$1,500 penalty against the Respondent pursuant to Section 1414(g)(3) of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. § 300g-3(g)(3), for alleged violations of the Administrative Order ("AO") (Docket Number SDWA-8-2000-106) issued on July 12, 2000.

2. Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.

3. Respondent waives its right to a hearing before any tribunal, to contest any issue of law or fact set forth in the Complaint.

4. This Consent Agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's agents, heirs, successors and assigns. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.

5. This Consent Agreement contains all terms of the settlement agreed to by the parties.

6. Respondent agrees to pay a penalty in the amount of One Hundred Fifty Dollars (\$150.00) within thirty (30) days of the issuance of the final order in this matter.

7. The payment described in Paragraph 6 above shall be made by remitting a cashier's or certified check, payable to "Treasurer, United States of America," within thirty (30) days of the issuance of the final order in this matter, to:

Mellon Bank
EPA Region VIII
(Regional Hearing Clerk)
P.O. Box 360859M
Pittsburgh, PA 15251-6859

The check shall reference the name and address of Respondent's facility (or "water system") and the EPA docket number of this action. A copy of the check shall be sent simultaneously to:

James Stearns
Enforcement Attorney
U.S. EPA Region 8 (8ENF-L)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

and

Tina Artemis
Region 8 Hearing Clerk
U.S. EPA Region 8 (8RC)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

8. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or stipulated penalty if the penalty is not paid when due. Interest will be assessed at the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys fees. In addition, a penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due. Any such penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 4 C.F.R. §§ 102.13(d) and (e).

9. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the SDWA and its implementing regulations. This Consent Agreement only resolves violations contained in the Complaint, and does not limit EPA's ability to pursue any civil or criminal violations determined at a later time.

10. Failure by Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.

11. Nothing in this Consent Agreement shall be construed as a waiver by the U.S. EPA of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Agreement.

12. The undersigned representative of Respondent certifies that he is fully authorized to enter

into the terms and conditions for this Consent Agreement and to bind the party he represents to the terms and conditions of this Consent Agreement.

13. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.

14. Each party shall bear its own costs and attorneys fees in connection with this matter.

15. This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the Complaint.

IN THE MATTER OF:

BILLIE JEAN HIRSCH / BILL STORE

DOCKET NO:

SDWA-8-2002-40

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8,
Complainant.

Date: 3-13-03

By: DAVID J. JANIK
Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Date: 3-13-03

By: SIGNED
Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

BILLIE JEAN HIRSCH / BILL STORE
Respondent.

Date: 2/24/03

By: SIGNED
Billie Jean Hirsch
Bill Store
P.O. Box 3101
Bill, Wyoming 82631

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **BILL STORE, DOCKET NO.: SDWA-08-2002-40** was filed with the Regional Hearing Clerk on March 24, 2003.

Further, the undersigned certifies that a true and correct copy of the document was delivered to James Stearns, Enforcement Attorney, U.S. EPA - Region VIII, 999 18th Street - Suite 300, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt to:

Billie Jean Hirsch
Bill Store
P. O. Box 3101
Bill, WY 82631

and hand-carried to:

Alfred C. Smith
Regional Judicial Officer
U. S. Environmental Protection Agency
999 18th Street, Suite 300 (8RC)
Denver, CO 80202

March 24, 2003

SIGNED

Tina Artemis
Regional Hearing Clerk

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON MARCH 24, 2003.